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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- - - - -X
HOTEL 57 L.L.C. and 1260 BB
PROPERTY, LLC,

Plaintiffs,

22 Civ. 9331 (LLS)

ORDER

- against -

FSR INTERNATIONAL HOTELS INC.
and FOUR SEASONS HOTELS LIMITED,

Defendants.

- - - - -X

For the reasons set forth in the June 8, 2023 Opinion and Order, alteration of it upon reconsideration is denied. See Drapkin v. Mafco Consol. Grp., Inc., 818 F. Supp. 2d 678, 695 (S.D.N.Y. 2011) ("A motion for reconsideration is 'an extraordinary remedy to be employed sparingly in the interests of finality and conservation of scarce judicial resources.'").

However, the Court takes this as an opportunity to clarify the June 8, 2023 Order. That Order directed "the parties to return to the system articulated in the original HMAs." The HMAs neither require, nor forbid, an industry insider being appointed to resolve the type of dispute presented here. In negotiating and agreeing to the EAAs, the parties had an opportunity to include in the appointment procedure provisions concerning a

panelist's industry relationships, but they did not do so.¹ Their elaborate process of name-matching gave no effect to industry offices or relationships.

The parties are to follow the procedures laid out in the HMAs, which also specify how the third arbitrator is to be appointed.

So Ordered.

Dated: New York, New York
July 20, 2023

Louis L. Stanton
LOUIS L. STANTON
U.S.D.J.

¹ The parties agreed that, except as amended by the EAAs, the HMAs "remain in full force and effect as of the date hereof." July 28, 2021 EAA, p. 2.